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Security Council

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The Security Council,

Recalling its resolutions 2319 (2016), 2314 (2016), 2253 (2015), 2235 (2015), 2209 (2015), 2178 (2014), 2118 (2013), 1989 (2011), 1540 (2004) and 1267 (1999),

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, and *reiterating* that those individuals, entities, groups or governments responsible for any use of chemical weapons must be held accountable,

Condemning in the strongest terms any use of chemical weapons and toxic chemicals as weapons in the Syrian Arab Republic and elsewhere, and *expressing* grave concern that civilians continue to be killed and injured by chemical weapons and toxic chemicals as weapons in the Syrian Arab Republic and beyond,

Expressing further alarm that chemical weapons have been used in Syria and beyond by non-State actors and that the so-called Islamic State (also known as ISIL or Da'esh), the Al Nusrah Front and other non-State actors used or have shown obvious intent to develop, acquire, manufacture, possess, transport, transfer, or use chemical weapons,

Reaffirming that no party should use, develop, produce, acquire, stockpile, retain or transfer chemical weapons,

Noting that additional allegations of chemical weapons use in Syria are being investigated by the Fact-Finding Mission (FFM) of the Organization for the Prohibition of Chemical Weapons (OPCW), and *stressing* the imperative for the FFM not to do so in a remote mode, which does not allow to ensure the necessary quality of the investigation,

Stressing the importance, as part of any investigation, of considering all possible leads and scenarios without exception, respecting the chains of custody to preserve the integrity of material evidence as well as conducting timely on-site visits, including collecting and analysing samples, as appropriate, whenever security conditions allow,

Recalling that the FFM is not mandated to reach conclusions about attributing responsibility for chemical weapons use,

Recalling further the Decision of the OPCW Executive Council EC-86/Dec.9 dated 13 October 2017, which encouraged States Parties to share, according to their national laws and as appropriate, information related to cases of developing, producing, acquiring, stockpiling, retaining, transferring, or using chemical weapons by non-State actors, as well as domestic investigations conducted with regard to

chemical weapons, including information on any subsequent criminal or other legal proceedings undertaken,

Welcoming cooperation between the Government of the Syrian Arab Republic and the OPCW,

Recognizing the need to have a truly impartial, independent, professional and credible investigative mechanism able to identify beyond reasonable doubt facts which may lead to the attribution by the Security Council of the involvement in the use of chemicals as weapons in the Syrian Arab Republic or elsewhere on the basis of credible, verified and corroborated evidence,

Expressing concern that informal partnerships established to fight impunity for the use of chemical weapons may duplicate or undermine relevant international inquiry and investigation mechanisms,

1. *Reiterates* its condemnation in the strongest terms of any use of any toxic chemical as a weapon in the Syrian Arab Republic or elsewhere;

2. *Recalls* its decision that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or, transfer, directly or indirectly, chemical weapons to other States or non-State actors;

3. *Reiterates* that no party in Syria or elsewhere should use, develop, produce, acquire, stockpile, retain, or transfer chemical weapons;

4. *Expresses* its determination to identify those responsible for these acts and *reiterates* that those individuals, entities, groups, or governments responsible for any use of chemicals as weapons, including chlorine or any other toxic chemical, must be held accountable, and *calls on* all parties in the Syrian Arab Republic or elsewhere to extend their full cooperation in this regard;

5. *Decides* to establish the United Nations Independent Mechanism of Investigation (UNIMI) for a period of one year of the date the Security Council approves its Terms of Reference with a possibility of further extension and update by the Security Council if it deems necessary, *urges* the UNIMI to fully ensure a truly impartial, independent, professional and credible way to conduct its investigations on the basis of credible, verified and corroborated evidence, collected in the course of on-site visits, and *underlines* that the Security Council will thoroughly assess the UNIMI's conclusions;

6. *Requests* the United Nations Secretary-General, in coordination with the OPCW Director-General, to submit to the Security Council, for its authorization, within 30 days of the adoption of this resolution, recommendations, including elements of Terms of Reference, regarding the establishment and operation of the UNIMI to identify beyond reasonable doubt facts which may lead to the attribution by the Security Council of the involvement in the use of chemicals as weapons, including chlorine or any other toxic chemical, in the Syrian Arab Republic, and *expresses* its intent to respond to the recommendations, including elements of Terms of Reference, within fifteen days of receipt;

7. *Requests further* that after the Security Council has authorized the UNIMI that the United Nations Secretary-General, in coordination with the OPCW Director-General, undertake without delay steps, measures, and arrangements necessary for the speedy establishment and full functioning of the UNIMI, including recruiting impartial and experienced staff with relevant skills and expertise in accordance with Terms of Reference in coordination with relevant States, to be endorsed by the Security Council, and *notes* due regard should be paid to the importance of recruiting the staff on as wide of a geographical basis as is practicable;

8. *Decides* that the UNIMI in conducting its investigations must be guided by high standards established by the CWC and, accordingly, use the whole spectrum of relevant methods envisaged in the above-mentioned Convention and in particular Part XI of its Annex on Implementation and Verification, which includes investigation, sampling, interviewing witnesses and collection of evidence and information on the site of an incident;

9. *Recalls* its decision that the Syrian Arab Republic and all parties in Syria shall cooperate fully with the OPCW and the United Nations, and *stresses* that this includes an obligation to cooperate with the OPCW Director-General and its FFM and the United Nations Secretary-General and the UNIMI, that such cooperation includes full access, in accordance with norms of international law, to all locations, individuals, and materials in the Syrian Arab Republic relevant to UNIMI's investigation and where access is justified based on the assessment of the facts and circumstances known at the time, including in areas within the Syrian territory but temporarily outside of the control of the Syrian government;

10. *Calls on* the UNIMI and the FFM to engage into the closest cooperation on all the identified cases of the chemical weapons use in the Syrian Arab Republic in order for the investigation to be as full and comprehensive as possible, with due regard to all relevant procedures and methods, and *requests* the FFM to provide UNIMI with full access to all of the credible, verified and corroborated information and evidence obtained or prepared by the FFM;

11. *Directs* the UNIMI in the course of its investigations to make full use of the credible, verified and corroborated evidence collected by the FFM in accordance with the CWC high standards;

12. *Directs also* the UNIMI to collect and examine additional credible, verified and corroborated information and evidence that was not obtained or prepared by the FFM but that is related to the mandate of the UNIMI as set forth in paragraph 6, including all information provided by the Syrian Arab Republic as well as others pertaining to activities of non-State actors with regard to using, developing, producing, acquiring, stockpiling, retaining or transferring chemical weapons;

13. *Notes* that alternative information collection efforts and investigative skills, including in the areas of forensics, counter-terrorism and military analysis, are required to ensure full-scale, professional and high quality investigations;

14. *Calls on* all States to cooperate fully with the UNIMI and in particular to provide it and the OPCW FFM with any relevant information they may possess pertaining to individuals, entities, groups, or governments who were perpetrators, organizers, sponsors or otherwise involved in use of chemical weapons in the Syrian Arab Republic or elsewhere;

15. *Requests* the UNIMI to retain any evidence related to possible use of chemical weapons in the Syrian Arab Republic other than those cases in which the FFM determines or has determined that a specific incident in the Syrian Arab Republic involved or likely involved the use of chemicals as weapons, including chlorine or any other toxic chemical, and to transmit that evidence to the FFM through the Director-General of the OPCW and to the Secretary-General as soon as practicable;

16. *Affirms* that the UNIMI, when deemed appropriate, may request that the OPCW provide technical support to the UNIMI to conduct timely on-site visits to locations allegedly being exposed to the use of chemical weapons, and *invites* the OPCW Director-General to make resources available to the UNIMI as appropriate, to enable such a visit;

17. *Urges* all parties in Syria and Member States with relevant capabilities to facilitate without any further delay free and safe access for the UNIMI to the sites relevant to the mandates of the FFM and the UNIMI;

18. *Calls upon* the OPCW Director-General to timely inform the United Nations Security Council through the United Nations Secretary-General of any difficulties in organizing an on-site visit within the process of investigating a chemical incident, in order to make the United Nations Security Council aware of the problem;

19. *Requests* the UNIMI to retain its findings and the findings of the FFM, not based on the results of on-site investigation, as well as remotely collected evidence and information until such time, when full-scale and high quality investigation on the site of an incident becomes possible;

20. *Reiterates* its support expressed in paragraph 5 of resolution 2209 for the OPCW Executive Council decision of 4 February 2015 to entrust the OPCW FFM with the task "to study all available information relating to allegations of use of chemical weapons in Syria", and *encourages* the OPCW Director-General to take fully into account paragraph 8 of the Terms of Reference of the OPCW FFM in Syria in what regards its composition;

21. *Encourages* the UNIMI to consult and cooperate with appropriate United Nations counter-terrorism and non-proliferation bodies, in particular the Committee established pursuant to resolution 1540 and 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee, in order to exchange information on non-State actors' perpetration, organization, sponsorship, or other involvement in use of chemicals as weapons in the Syrian Arab Republic or elsewhere;

22. *Invites* the UNIMI to engage relevant regional States in pursuit of its mandate, including in order to identify beyond reasonable doubt facts which may lead to the attribution by the Security Council of the involvement of any individuals, entities or groups associated with ISIL (Da'esh) or ANF in the use of chemicals as weapons in the Syrian Arab Republic, *encourages* relevant regional states to provide, as appropriate, to the UNIMI and the OPCW FFM information on non-State actors' access to chemical weapons and their components or efforts by non-State actors to develop, acquire, manufacture, possess, transport, transfer or use chemical weapons and their means of delivery that occur under their jurisdiction, including relevant information from national investigations, and *underscores* the importance of States Parties' obligations under Article VII of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC);

23. *Recalls* Article X.8 and X.9 of the CWC allowing any State Party to request and receive assistance and protection against the use or threat of use of chemical weapons if it considers that chemical weapons have been used against it, recalls further that such requests, substantiated by relevant information, are transmitted by the Director-General of the OPCW to the Executive Council and all States Parties to the CWC, and invites the UNIMI to offer its services to the OPCW in such circumstances if relevant to effectively fulfilling the UNIMI's mandate;

24. *Requests* the UNIMI to submit to the Security Council and the OPCW Executive Council its first report within 90 days of the date it commences its full operations, as notified by the United Nations Secretary-General, as well as subsequent reports on its investigations as appropriate thereafter;

25. *Requests* the UNIMI to collect and analyse information on trends in the activities of non-State actors involving preparations for use and actual use of chemical weapons and include this information in its reports;

26. *Decides* to remain seized of the matter.